

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

NATHANIEL GATES,

Petitioner,

v.

TERRY RUSSELL,

Respondent.

No. 4:14CV1931 RLW

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's post-dismissal motion to amend his application for writ of habeas corpus. This action was dismissed by this Court on November 25, 2014.

After reviewing the proposed amended petition, the Court will decline to reopen this action. As the Court set forth in its prior Memorandum and Order and accompanying Order of Dismissal, petitioner is not entitled to relief under habeas corpus. Moreover, even if petitioner could attain relief under habeas corpus, his petition would have to be summarily dismissed due to petitioner's failure to fully exhaust his state remedies. Nothing in the amended petition remedies the grounds under which the prior petition was dismissed. As such, petitioner's request to reopen this action and file an amended petition will be denied.

Accordingly,

IT IS HEREBY ORDERED that petitioner's application to amend his petition [Doc. #6] is **DENIED**.

IT IS FURTHER ORDERED that no certificate of appealability shall issue.

Dated this 15th day of December, 2014.

Ronnie L. White

RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE